IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION NO : 3537 of 2005**

Between:

Medam Narasimha Reddy, S/o.M.Venkata Subba Reddy,
R/o.Nukunampeta Village Kondapuram Mandal, Nellore
District.

**..... PETITIONER**

AND

The Mandal Revenue Officer Kondapuram Mandal,
Nellore District.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction or particularly one in the nature of writ of mandamus, declaring the impugned resumption orders in Rc.B.293/2004 dt.15.2.2005 issued by the respondent M.R.O. without waiting for 15 days from the date of receipt of Form-I notice to the petitioner to submit the explanation, by leaving number of blanks at relevant columns in the impugned order, as prima facie illegal, highly unwarranted in gross violation of principles of natural justice, nonest and violative of Article 14,19,21 and 300A of Constitution of India and consequently set aside the above stated impugned proceedings and pass such other order or orders.

**Counsel for the Petitioner: MR.K.RATHANGA PANI REDDY**

**Counsel for the Respondents: GP FOR REVENUE**

The Court made the following :

**HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION No.3537 of 2005**

**ORDER**:

This writ petition is filed with a prayer to issue a writ, order or direction or more particularly one in the nature of writ of Mandamus, declaring the impugned resumption orders in Rc.B.293/2004, dated 15-02-2005, issued by the respondent-Mandal Revenue Officer, without waiting for 15 days from the date of receipt of Form-I notice to the petitioner to submit the explanation, by leaving number of blanks at relevant columns in the impugned order, as illegal and arbitrary.

2. When the W.P.M.P.No.4777 of 2005 came up for hearing, both the parties consented for disposal of the writ petition itself. Hence, the writ petition is taken up for hearing and is being disposed of by this order.

3. The grievance of the petitioner is that the respondent-Mandal Revenue Officer without considering the explanation offered by him, has passed the impugned order.

4. A show cause notice was issued to the petitioner by the respondent and the petitioner submitted explanation on
15-02-2005. The respondent passed the impugned order dated 15-02-2005 where under the land in possession of the petitioner is ordered to be resumed to the Government.

5. The impugned order contains many blanks such as date of original assignment, date of service of notice on the petitioner and even the text of the

explanation is also not reflected. Further more, the plea taken by the petitioner has not been adverted to in the impugned order. It indicates that the respondent has not applied his mind to the explanation offered by the petitioner.

6. Therefore, the impugned order dated 15-02-2005 is set aside by giving direction to the respondent-Mandal Revenue Officer, Kondapur Mandal, Nellore District, to pass fresh orders, after considering the explanation offered by the petitioner.

7. Accordingly, the writ petition is allowed. No costs.

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June 14, 2005

KVR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this the Tuesday the Fourteenth day of June, two thousand and five.

_____ ASSISTANT REGISTRAR

14th June, 2005

Kvr

// True Copy //

Section Officer

To

1. The Mandal Revenue Officer Kondapuram Mandal,
   Nellore District.

2. Two C.Ds to the GP for Revenue, High Court of AP Buildings, High Court of AP, Hyderabad (O.U.T.).

3. Two C.D.Copies.